



Attention TennCare Pharmacy Providers:

On October 1, 2008, in order for a written or a computer generated printed prescription to be considered legal by Tennessee State Law, new tamper resistant requirements will have to be met. The new law includes the following requirement:

All prescriptions written or printed by practitioners authorized to write prescriptions in the State of Tennessee shall be written on tamper resistant prescription paper which meets or exceeds specific TennCare requirements for tamper-resistant prescription paper.

A pharmacist shall not fill a written prescription from a Tennessee practitioner unless issued on tamper-resistant prescription paper, except that a pharmacist may provide emergency supplies in accordance with TennCare or other insurance contract requirements. Nothing in this section shall be construed to impact regulations regarding verbal, facsimile, electronic, or out-of-state prescription practices.

All existing statutory requirements regarding prescriber-specific information to be included on prescriptions shall also apply to tamper resistant prescriptions.

The law shall not apply to prescriptions written for inpatients of a hospital, outpatients of a hospital where the doctor, or other person authorized to write prescriptions, writes the order into the hospital medical record and then the order is given directly to the hospital pharmacy and the patient never has the opportunity to handle the written order, a nursing home or an assisted care living facility as defined in § 68-11-201 or inpatients or residents of a mental health hospital or residential facility licensed under Title 33 or individuals incarcerated in a local, state or federal correctional facility.

This law is in addition to the Federal requirements regarding tamper resistant prescription pads that have been communicated to you previously. Due to the combined State/Federal requirements the Tennessee Board of Pharmacy and TennCare will both be monitoring the use of tamper resistant prescription pads. A state committee has been established comprised of one (1) board member for each of the professions affected by this bill (Board of Medical Examiners; Board of Nursing; Board of Pharmacy; Physician Assistant Committee; Board of Osteopathic Examiners; Board of Dentistry; Board of Podiatry; and Board of Optometry) for the purpose of developing rules to implement Chapter 1035 of the 2008 Public Chapters.

Under the terms of the TennCare PBM and The TennCare Pharmacy Program Contract, the TennCare PBM will be performing sample field audits. If a prescription fails to meet the new law, TennCare will recoup payment for the prescription from the pharmacy and will then report a complaint to the Tennessee Board of Pharmacy that TennCare received a claim for a prescription that failed to meet the requirements of pharmacy law in the state of Tennessee.

Pharmacists should refer to the attached page to assure that the prescription has a feature for each of the three categories.

The features that will be considered compliant by TennCare for October 1, 2008 will be as follows:

Category 1 - One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form.	
Feature	Description
“Void” or “Illegal” pantograph	The word “Void” appears when the prescription is photocopied. Due to the word “Void” on faxed prescriptions, this feature requires the pharmacy to document if the prescription was faxed.
Watermarking	Special paper containing “watermarking”.

Category 2 - One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber.	
Feature	Description
Quantity check off boxes with Refill Indicator (circle or check number of refills or “NR”)	In addition to the written quantity on the prescription, Quantities are indicated in ranges. It is recommended that ranges be 25’s with the highest being “151 and over”. The range box corresponding to the quantity prescribed MUST be checked for the prescription to be valid. Indicates the number of refills on the prescription. Refill number must be used to be a valid prescription.
Uniform non-white background color	Background that consists of a solid color or consistent pattern that has been printed onto the paper. This will inhibit a forger from physically erasing written or printed information on a prescription form. If someone tries to erase or copy, the consistent background color will look altered and show the color of the underlying paper.

Category 3 - One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.	
Feature	Description
Security features and descriptions listed on prescriptions (This feature is required on all TennCare tamper-resistant pads/paper after 10/1/2008)	Complete list of the security features on the prescription paper for compliance purposes.
Heat sensing imprint	By touching the imprint or design, the imprint will disappear.